#### METEOROLOGICAL RECORD.

Local forecast for today-Cloudy, with local rain or snow; colder. Aesterday's record at the local office of l'esterday's record at the local office of he weather bureau:
Maximum temperature, 54 degrees; minimum temperature, 55 degrees; mean temperature, 41 degrees; which is 4 degrees bove the normal.
Accumulated excess of temperature since he first of the manth, 25 degrees.
Accumulated excess of temperature since annary let, 47 degrees.
Total precipitation from 6 p. m. to 6 p. m., tage.

Accumulated excess of precipitation ince the first of the month. St inch. Accumulated excess of precipitation since the 1st of January, Li4 tuch.

R. J. HYATT, Local Forecaster. Reports received at Sait Lake City, 1th, on March 14, 1961. Obstructions are all stations at 3 a. m., 75th, wildlen time:

Frand Junction Pt. Cldy 50 Peiver Pt. Cldy 50 Peiver Pt. Cldy 50 Pt. Cldy 50 Pt. Clondy 44 Pocatello Snow 46 Mostera Clear 50 Winnemucca Cloudy 44

#### MARRIAGE LICENSES.

Cilliam C. Gordon, Salt Lake City.....22 Elsie Householder, Sunshine......19

#### BIRTH RETURNS.

Huges, boy to Henry and Mary, Z South Seventh West, February 28th. Williams, boy to Henry and Jennett, 8fl West First North, March 8th.

#### BURIAL PERMITS.

Elizabeth J., age 45, 3 Kendall March 19th regen, Eligateth J., age 4, 8 Renaul square, March 10th Moon, Walter T. age 4 months, 764 South Second East, March 8th. Moon, Harry B, age 1, 764 South Second East, March 9th. Sheparson, Julia C., age 48, 427 West First South, March 10th. Adams, John M., age 32, 357 South 5th East, March 8th. Grimm, Cresencta, age 63, Sixth South and Fifteenth West, March 10th. Miller, Margaret, age 70, 271 E street, March 9th. March 9th, outon, Mary B, age 79, 53 North West Temple, March 12th, ndreason, Wilhelmia, age 75, rear 248 South Third East, March 12th, estad, Helen, age 90, county infirmary, March 12th, layton, John, age 82, 482 Fifth street, March 12th Clayton, John, age 55, March 12th. Drushel, Beatrice E, age 4 months, 552 South Sixth West, March 13th

#### NEW INCORPORATIONS.

The West Quincy Mining company, Salt Lake, Utah; G. D. B. Turner, W. H. Dodge, R. E. Miller, capital, \$1,500,600.

The Green River Canal company, Emry county, Utah; C. P. Johnson, J. T. Farrar, Frank Cook, capital, \$20,000.

The Beebe Lamber company, Prove, Utah; David R. Beebe, Horace E. Beebe, Angus Beebe; capital, \$16,000.

Record the bill with us-we keep ecords that won't come off, till they

MERCHANTS' PROTECTOR, Scientific Collectors of Bad Debts, Top Floor Commercial Block, Francis G. Luke, General Manager, Some people don't like us."

# DISPOSITION OF FT. SHERMAN RESERVE

Senator Dubois Corrects a Misunder standing in Regard to the Matter.

### BY A. F. PHILIPS.

Tribune Bureau, ) National Hotel, WASHINGTON, D. C., March 14.

The conditions affecting the abandon military reservation at Fort Sherman, Ida., appear to be misunderstood by the people the vicinity of the reserve. that a clear understanding be had of the Northern Pacific, and their leading matter, Senator Dubois today said:

stablishment there of a brunch solders tome, and the Secretary of the Interior deferred action pending the legislation on the bill.

"At the beginning of the present Constress I renewed the controversy, and my present colleague, Senator Heyburn, joined with me, but we were again confronted with the opposition of Senator Foster of Washington, who, with Senator Turner, had requested that a branch soldiers with the opposition of Senator Foster of Washington, who, with Senator Senator

## **NEWSY NOTES FROM** FORT HALL AGENCY

Special to The Tribune IT. HALL INDIAN AGENCY, Ida., March 14.-Albert Motschma, the contracfor the water and sewer plant for the

our for the water and sewer plant for the new school here, is on the ground and is gathering a force of men and material with which to rapidly complete the work.

Rev. James H. MacPherson, resident missionary here, has returned from a brief visit to his old home at Rock Springs, Wys. Bishop Funsten, of this diocese, wishes Mr. MacPherson to assume Charge of the church work at Mackes, Ducois and Blackfoot in addition to his duties here. He will probably do so.

The Oregon Short Line Railroad com-

The Oregon Short Line Railroad com-pany is doing a lot of stonework in this vicinity in the way of strengthening the embankments. The work is under the di-rection of Foreman Wickstrom, who has a force of forty or fifty Jape.

A sirolling band of negro minstrels, the simon-pure article, too, were here Saturday and gave both a matinee and evening interminanent, much to the delight of the red men, who crowded the house at both performances. Lo was hugely pleased with the bones, banjo and tambourine and the performers were equally delighted with so unique an audience.

## NORTHERN PACIFIC MERGER HELD **VIOLATION OF ANTI-TRUST LAWS**

(Continued From Page 1.)

other points.

CONSTITUTIONAL ISSUE.

Coming to the plea of the railroads

that the anti-trust laws should be de-clared unconstitutional, he said that the

pany's contentions are sound, why may not all the railroads of the United States enter into a combination and by the de-vice of a holding company or corpora-

tion control rates throughout the coun-

say that there had been nothing in the Securities company's certificates of in-corporation to indicate its purpose to be that of destroying commerce and he

that of destroying commerce and he therefore absolved the State of New Jersey from any charge of such knowl-edge in advance. It might be true that

a Federal court held no power to dis-solve a corporation of a State, but this circumstance could not be an indication

of powerlessness to enforce the law, than

which no corporation is stronger. No device could suffice to prevent this en-forcement of the national statutes.

TO PREVENT COMPETITION.

The decision was concurred in by Jus-tices Brown, Brewer, McKenna and Day, while the Chief Justice and Justices White, Peckham and Holmes dissented. Justice Harian was followed by Justice Brewer, who, while concurring in the judgment did not accept all of the language of the opinion.

DISSENTING OPINIONS.

Justice Holmes read the dissenting opin-

o reference to competition.
Logically construed, Justice Holmes
aid today's decision should be followed

by the criminal prosecution of the parties at interest in this case.

Speaking of the general understanding that the Sherman law applies only to large corporation, the Justice said that this impression was breathed from every pore of the statute, but that its language did not bear out the conclusion.

He thought this inference due to the size of rullroad corporations. He took the

size of railroad corporations. He took the position that there had been no attempt to monopolize in this combination of the railroads and said that there could be no

more objections to the purchase of the stock of the Northern Pacific and Great Northern roads by the Securities com-pany than if bought by Mr. Morgan him-

self.

Referring to the point of personal responsibility, Justice Holmes said:

"I do not expect to hear it maintained that Mr. Morgan could be sent to prison for buying as many shares as he liked of the Great Northern and Northern Pacific even if he bought both at the same time and got more than half the stock of each road."

Justice White also read a dissenting

the criminal prosecution of the parties

ourt could not see its way to that end.
"If," he went on, "the Securities com-

organized in a State distant from the | States by which the companies are interritory."

Discussing the contention of the defendants that the internal commerce of the States by which the companies are in corporated was not well founded. In such cases, he said, the authority of cases, he said, the authority of congress would be an interference by the national Government with the internal commerce of the States the internal commerce of the States of called the property, nor was it true that the organized the said of the property, nor was it true that the constant of the property of realing those corporations. Justice right of the Socurities company to own and hold railroads is the only question involved. Such contentions are wide of

Is no reason to suppose that Congress had any purpose to interfere with the internal affairs of the States, nor is there any ground whatever for the conention that the anti-trust act regulates their domestic commerce. By its very terms the act regulates only commerce among the States and in the foreign States. Viewed in that light the act must be respected. By the explicit words of the Constitution, that instrument and the laws enacted by Congress in pursuance of its provisions are the supreme law of the land, 'anything in the constitution or laws of any State notwithstanding,' supreme over the States, over the courts and even over the people of the United States, the source of all power under our Governmental system in respect of the object for which the Constitution was ordained. An act of Congress consti-tutionally passed under its power to regulate commerce among the States and with foreign nations, is binding up-on all as much as if it were embodied in terms in the Constitution itself."

AGAINST CONSTITUTION. To sustain the contention of the defendant that the anti-trust act, if held o embrace the merger case, is repug-tant to the Constitution of the United States, Justice Harlan said would be to states, Justice Haran said would be to overrule the prior decisions of the court as to the scope and validity of the anti-trust act. If Congress, he said, could strike down a combination be-tween private persons or private corpo-rations that restrain trade among the States, "surely it ought not to the States, "surely it ought not to be doubted that Congress has power to declare illegal a combination that re-strains commerce among the States and with foreign nations, as carried on over the lines of competing railroad com-panies in the exercise of public fran-chises and engaged in such commerce."

Justice Harlan quoted a number of ecisions, and concluded as follows: "Guided by these long-established rules of construction, it is manifest that if the anti-trust act is held not to em-brace a case such as is now before us, the plain intention of the legislative branch of the Government will be de-

Justice Harlan said that the defendants have no just cause to complain of the decree of the lower court in matter of law, and it should be affirmed.

Justice Harlan said that in the merger of the two roads the stockholders disap-peared and reappeared in the Securities company, the two thus becoming prac-tically consolicated in a holding com-pany, the principal object being to prevent competition.

"No scheme or device," says the opinion, "could certainly more effectively come within the prohibition of the autitrust law and it is within the meaning of the act, a trust."

#### HISTORY OF CASE.

The case attracted greater attention than any other suit before the court nce the first insular cases were decided and has been regarded by bench and bar as equal in importance with those cases and with the income tax case. It was argued in December last for two days and attracted general attention at that time, as it did previously when the decision was rendered by the Circuit court for the District of Minnesota.

The action was brought in the Circuit court and the law of February 11, 1903, which was for the purpose of expediting the case and was heard by the four Circuit court Justices of the circuit. They united in a decision favorable to the United States and apposed to the conentions of the railroad companies. The suit was instituted by the United

States against the Northern Securities company and the two railroad com-panies, the Great Northern and the stockholders, for the purpose of dissolving the merger of the two roads, which

matter, Senator Dubols today said:

Senator Heitfeld and myself, at the last Congress, endeavored to have this reserve disposed of under existing laws, but were prevented because Senator Turner of Washington had introduced a bill for the establishment there of a branch soldiers; tome, and the Secretary of the Interior deferred action pending the legislation on the bill.

'At the beginning of the present Congress I renewed the controversy, and my present colleague, Senator Heyburn, joined with me, but we were again confronted with the opposition of Senator Foster of Washington, who, with Senator Turner, had requested that a branch soldiers from be established there.

'Finally, upon the introduction of a resolution by myself, directing the Secretary of the Interior to dispose of this reserve and the Secretary of the Interior inmediately ordered that the reserve, consisting of something like 1000 acres, be resurveyed and subdivided into small lots, and these looks are prohibited by the Sherman law, and that Congress has the power to establish such regulations as are laid down in that law. Congress has the power to establish such regulations as are laid down in that law. Congress has the power to establish such regulations as are laid down in that law. Congress had the Securities company was the merger of the two roads, which the United States declared had been created by the Creation of a holding company, the Securities company. The consolidation was claimed to be in violation of the Sherman and-trust law, the United States declared had been created by the Creation of a holding company, the Securities company. The consolidation was claimed to be in violation of the Sherman and-trust law, the United States declared had been created by the Creation of a holding company, the Securities company. The consolidation was claimed by the creation of a holding company, the Securities company. The consolidation was claimed by the creation of the United States declared had been created by the Creation of the United States decl

interstate commerce?
"Commerce undoubtedly is traffic," he went on, "but it is something more. If it is true that the ownership of railroads may be controlled by the Federal Government, why may not all ownership be so controlled?"

AND IN THE

RIGHT OF STATES. RIGHT OF STATES.

If the principle here adopted be true, he contended, Mr. Hill's control of the railroads in questions could be taken from him. He could not accept this theory but contended for the right of the States to regulate matters of this character for themselves. For the Federal Government to take the position that it can supervise in such instances is for it to pull down the pillsus of the temple upon which it rests.

The decree of the Circuit court which is affirmed today contained the following: "Enjoining the Securities company, its officers, etc., from acquiring or attempting to acquire any more of such stock." From voting any such stock at any meeting of stockholders of either railway company. the mark-mere men of straw. All that the Government complains of is the exmerce, and is not concerned with the

"From exercising or attempting to ex-recise any control, direction, supervision or influence on the acts of either railway company by virtue of its holding of stock therein.

company by virtue of its holding of stock therein.

"From allowing the Securities company or its attorneys or agents to vote the stock held by it.

"From paying any dividends on such stock to the Securities company.

"From permitting the Securities company or its officers, etc., to exercise any control over the corporate acts of such railway companios."

The degree further provides that it shall not be construed as preventing a re-exchange between the Securities company and to those whom it has issued its own stock in exchange for those of either rail-way company. way company.

Justice White concluded his dissenting opinion at 245 and Chlef Justice Fuller, after stating that he and Justice Feckham concurred in what Justices White and Holmes had said, announced a recess.

#### OFFICIALS AND RAILROAD MAGNATES RECEIVE NEWS

ST. PAUL, Minn., March 14.—Gov. Van Sant, when told of the decision in the merger case, was highly clated. He

forcement of the national statutes.

The courts had indeed consistently held to the supremacy of the national laws in case of conflict between those laws and the laws of the States. So long as Congress confined itself to its prescribed functions, he said, there could be no danger. At any rate, the error, if any, was with Congress and it was for Congress to supply the remedy and not for the courts. Justice Harlan also discussed the predictions of financial disaster from the enforcement of the anti-trust law, but discouraged them, saying they were usual under such circumstances and need not be realized. I am much gratified with the result of I am much gratified with the result of the decision, for in my opinion the decision means more to the people of our country than any event since the great Civil war. It will for all time prevent the formation of illegal trusts and unlawful combinations."

dent Roosevelt received the news of the Supreme court's decision in the North-ern Securities case from the Associated TO PREVENT COMPETITION.

Justice Harian deciared that the only object of the merger was to prevent competition, and he said that if no one else knew this to be the case. J. Pierpont Morgan, one of the defendants, knew that to have been the case. Extracts from Morgan's testimony were quoted in support of this statement.

The decree of the Circuit court, he said, could not have been of smaller scope and it had in no way exceeded its authority. The law must not be narrowly construed, but reasonably construed. The defendants could not complain of the finding of the Circuit court and Justice Harlan in conclusion announced the confirmation of the decision of that court, saying.

"The judgment of this court is that the decree below of the Circuit court be and hereby is affirmed, with liberty to the Circuit court to proceed in the execution of the decree as the circumstances may require."

The decision was concurred in by Justice. He expressed his satisfaction that the court had sustained the con-tentions of the Government. Later he will express his personal congrutulations to the Attorney-General.

NEW YORK, March 14.—J. J. Hill, president of the Northern Securities company, received news of the decision at the company's offices in this city. Mr. Hill declined to discuss the matter

"There is nothing to be said at this time. The properties of the Northern Securities company are still there. They

are as good as ever."

Mr. Hill intimated that he might have something to say as soon as he got definite scope of the decision. Mr. Hill was in conference for some time after the news came out with John H. Kennedy, who is one of the directors and largest stockholders in the securi-ties company. At the offices of J. P. Morgan & Co. no expression regard-ing the decision could be had. A member of the firm stated, however, that he was not surprised. Col. W. P. Clough, fourth vice-president, director and general counsel of the Northern Justice Holmes read the dissenting opinion. He construed the anti-trust law as a criminal statute and declared that there was nothing in it to indicate that it had been enacted merely for the control of large concerns as is generally contended. Indeed, the law had not been understood as applying to railroad until so construed by the Supreme court. The act, he contended, applies only to contracts and combinations in restraint of trade and makes no reference to competition. Securities company, who is alleged to have taken an active part in drawing

up its charter, was in Washington to-day.

Mr. Hill, when asked whether he would move for a rehearing, said:
"No. I don't think we care enough
for a rehearing to ask for it."

# AND IN THE HOUSE

Upper Branch of Congress Discusses Submarine Boats-Politics

WASHINGTON, March 14-The fortification appropriation bill was before the Senate all day, the provision for the purchase of a submarine boat of a designated type taking up the entire session. The chair overruled a point of order made against the provisions and then followed discussion on the merits. It was favored by Messrs. Perkins, Cockrell, Platt (Conn.). Warren and Proctor, while Messrs Daniel, Martin, Berry, Gallinger, Lodge and Mallory opposed the army entering into experiments with submarine boats and usurping what they alleged to be a

naval function.

Mr. Daniel offered an amendment to the bill reducing to \$200,000 the authorized expenditure for a submarine boat, and Mr. Carmack gave notice that an amendment would be effered to strike out all designation as to the type of boat to be purchased and leave the entire matter to the discretion of the Secretary of War. Neither amendment was acted upon.

At 5:02 the Senate went into executive session, and at 5:07 p. m. adjourned. naval function.

#### In the House,

WASHINGTON, March 14.-Legisla-lon for the District of Columbia and the postoffice appropriation bill occu-pied the attention of the House to-day. The rural free delivery service received most attention. Credit for the establishment of this service was claimed by speakers for both parties, and both sides declared their friendship Mr. Monn (Tenn.), the ranking minority

In the Northern Securities merger case, said the decision would not, in his opinion, either benefit or injure the general public. He also stated that it would in no way affect the management of the three lines included in the merger—the Burlington, Great North-ern and Northern Pacific—and that each of them would continue to operate as separate and competing corporations

#### NORTHERN PACIFIC GETS DECISION IN MINNESOTA

ST. PAUL. March 14.—A decision dismissing the appeal of Camilie Weldenfeld from a decree in the United States Circuit court dismissing the appellant's intervening petition in the case of Peter Power against the Northern Pacific Railway company was handed down by the United States Circuit Court of Appeals today. The suit originated in the District court, Peter Power, as the alleged owner of 100 shares of common stock in the Northern Pacific company, seeking to obtain an injunction restraining the Northern Pacific company's officials from entering into a combination with similar officers of the Great Northern and Chicago, Burlington & Quincy railroads to merge and consolidate the three systems. he three systems.

Power also sought to restrain the North-rn Pacific company for

Fower also sought to restrain the Northern Pacific company from retiring its preferred stock, alleging that this was being done in the interest of the alleged merger. The case was removed to the Circuit court, where the defendants conclusively showed that Power never owned any stock in the Northern Pacific.

Candille Weidenfeld, with permission of the court, filed his intervening petition seeking to have the retirement of the stock declared unlawful and fraudulent, and to have the Northern Pacific company declared guilty of having unlawfully consolidated its lines with those of the Great Northern.

for a rehearing to ask for it."

OMAHA, March 14.—Gen. Charles F. Manderson, general counsel for the Burlington railroad, one of the lines affected by the Supreme court decision

Northern. The decision is against the contentions of the appellant at every point, the court holding that the Northern Pacific company acted entirely within its powers in converting the preferred stock into common stock.

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AGAIN MADE BIG CUTS IN EVERY

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These cuts will be continued until we have

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sirable goods.

E do not intend allowing the crowd

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in the House,

member of the Postoffice committee, reviewed the action of the committee in bringing the report before the itouse, and said the committee was not authorized to sit in judgment, and could not have made any change in the report as submitted to the committee.

The House applauded a political enlogy of President Cleveland by Mr. Patterson (Tenn.) and a moment later an eulogy of the late President ackinley, also by Mr. Patterson. Mr. Cleveland, he said, had not hesitated to listen to political and other advice from the South, and Mr. Mc-Kinley had done much to heat the breach between the North and South.

The blight of the Fifteenth Amendment to the Constitution had reversed the previous great record of the South in producing Presidents, but Mr. Patterson expressed the belief that a Democratic nominee from the South would not lose a single electoral vote to the party. He mentioned John G. Carlsie, Representative Williams and Senator Balley as possible candidates.

Mr. Crumpacker (Rep., Ind.,) read a

Williams and Senator Balley as possible candidates,
Mr. Crumpacker (Rep., Ind.,) read a letter from F. H. Cunningham, president of the National Carriers' association, urging rural delivery letter-carriers to telegraph to their members of Congress to vote to increase the salaries of the rural free delivery carriers.
Mr. Crumpacker said that he was not opposed to increasing the salaries of carriers, but he believed this a fulfilment of the prophecy of ex-Representative Loud that these carriers would organize a powerful machine and dictate to Congress.
At 5 p. m. debate of the bill was suspended for the day.
At 5:66 p. m. the House adjourned until tomorrow.

# Your Pulse.

Feel It Once a Week To See In What Condition Your Heart Is.

If your pulse beats too fast, or too glow; two strong or too weak; or too regular; 'tis a sign of a weak heart. Refresh it with Dr. Miles' New Heart

The healthy pulse of a grown person should average 70 to 80 beats a minute. The beats should be regular pulsations-not too weak to be easily felt, not so strong as to be felt without some pressure of the skin.

You may not feel particularly sick, but any day, if your heart is weak, you breast-pang, fainting, weak or smothering spell, a sign of real danger. Do not wait for such a moment to

come, but treat your weakened heart and circulation with a safe and efficient, modern, scientific Specific remedy, such ns Dr. Miles' New Heart Cure has proved itself to be.

It is a wonderful heart and blood tonic and will make the blood rich and the will do you good by heart strong. It strengthening and building up the nervous system and circulation.

"For years I was troubled with pains around my heart, shortness of breath, palpitation and fluttering of the heart, occasioned by the slightest exertion, such as fast walking, lifting, ascending a flight of steps, excitement or emotion. I have used only a few bottles of Dr. Miles' Heart Cure, am entirely free from all of these symptoms, and believe myself completely cured."—

G. M. LAYTON, Taylor, Tex.

FREE Write to us for Free Trial Package of Dr. Miles' Anti-Pain Pills, the New Scientific Remedy for Pain. Also Symptom Blank. Our Specialist will diagnose your case, tell you what is wrong, and how to right it, Free. DR.-MILES MEDICAL CO., LABORATORIES, ELKHART, IND.





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HUSLER'S FLOUR...

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DELINQUENT NOTICE.

Wedge Extension Gold Mining company, -Location of principal place of business Salt Lake City, Utah. Notice.—There are delinquent on the following-described stock on account of assessment No. 4, levied on the fist day of January, 1994, the several amounts set opposite the names or the respective shareholders, as follows:

Office 250 Commercial Club Building.

### ASSESSMENT NO. 6.

ASSESSMENT NO. 6.

Ajax Mining company. Office and principal pince of business. Salt Lake City, Utah. Notice is hereby given that at a meeting of the board of directors of the Alax Mining company, held on the 20th day of February, 1904, an assessment of five 60 cents per share was levied upon the capital stock of the corporation, issued and outsigneding, payable immediately to the secretary at his office, room 25 Dooly block, Salt Lake City, Utah. Any stock upon which this assessment may remain unpaid on Tuesday, the 22nd day of March, 1804, will be delinquent and advertised for alle at public auction, and unless payment is made hefore, will be sold on Wednesday, the 18th day of April, 1904, at it o'clock at m., at the secretary office, to pay the delinquent assessment thereon, together with the costs of advertising and expense of sale.

By order of the board of directors.

J. M. BURT. Secretary, 2015 Dooly block, Salt Lake City, Utah.

## NOTICE TO WATER USEAS.

State Engineer's Office, Salt Lake City, Utah, Feb. 25, 1994.—Notice is hereby given that Irving M. Higley, whose postoffice address is Salt Lake City, Utah, has made application in accordance with the requirement of chapter 160 of the Session Laws of Utah, 1892, to appropriate eight-tenths (8-10ths) of a second-foot of water flowing from thres certain springs situated in lot 2, block 45. Am-sacre Plat A. Big Field survey, Salt Lake county, Utah, which springs are tributary to the Milly creek branch of Jordan river. The water is to be diverted by means of dams and ditches into ponds at various places on said described lot, where it will be used continuously from January lat to December 11st, inclusive, of each year for domestic purposes and for supplying said ponds with the water necessary for the spawning and propagating of fish, and also for use in irrigating said described lot from April let to October 1st of each year. This application contemplates that water equivalent to one-eighth (1-8th) of the combined flow from the springs will be consumed and that the remaining seven-eighths (5-8ths), after having passed through the fish ponds of the applicant, will be returned to the maiural channel leading from said applies to Mill creek.

All protests against the granting of said application, stating the reasons therefor, office after thirty (30) days and beforesistly (69) days from the date hereof.

First publication Feb. 25; last, Mar. 28th.



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